

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1172 OF 2015

Hanumant s/o Shankar Koli.

....Applicant.

Versus

The State of Maharashtra & Anr.

....Respondents.

Mr. A.L. Kanade, Advocate for applicant.

Mr. B.L. Dhas, APP for State.

**CORAM : T.V. NALAWADE &
INDIRA JAIN, JJ.**

DATED : 5th May, 2015.

ORDER :

1. The application is filed for quashing of FIR bearing CR No.45/2013 registered in Mukramabad Police Station, District Nanded for the offences punishable under sections 420, 409, 417, 419, 468, 462, 471 r/w 34 of Indian Penal Code. Both the sides are heard.

2. The crime is registered on the basis of report given by one Suresh Kothare. Present applicant was working as a Post Master at the relevant time. There is allegation against the present applicant and other accused that during implementation of Mahatma Gandhi Rural Employment Guarantee Scheme, the Officers of revenue of State, the Village Panchayat and the Post Office created false record to misappropriate the Government

money. There are allegations made that false Job cards were prepared in fictitious names and also in the names of persons, who had not worked under the scheme. By using this modus operandi, the amount was shown to be deposited in the accounts opened in post office in bogus names and that amount was withdrawn and misappropriated. Specific instances are given in the FIR by giving the names of the persons, who had not worked under the scheme and who had not collected any amount.

3. The learned counsel for applicant submitted that the applicant was not attached to the concerned post office and he was working at other station and so, the FIR given as against applicant needs to be quashed and set aside. The police report and the record of investigation show that it is confirmed that in various names bogus job cards were prepared and accounts were opened in post office in those names, the amount was deposited and it was withdrawn and misappropriated. At least on eight forms, there are signatures of the present applicant to show that he was involved in preparation of accounts. Thus, the investigation revealed that applicant was involved in opening bogus accounts and also that he had worked in the said post office.

4. It appears that present applicant had collected a certificate from Superintendent of Post Office, Nanded Division to show that he was not working in the post office involved in the offence. One H.R. Mandre has issued such certificate in favour of present applicant and it is dated 4/4/2013. It is unfortunate that these days the colleagues of such accused are creating record to help the accused even when they are involved in such serious cases. The Investigating Officer needs to give report to the superior officer of Shri. H.R. Mandre, who has issued such certificate in favour of present applicant. The crime was registered on 05/4/2013 and the certificate was issued on 04/04/2013.

5. From the aforesaid record and circumstances, it can not be said that the applicant was not at all involved in the commission of aforesaid crime. This Court holds that the relief claimed by the applicant can not be granted.

6. In the result, the application stands dismissed.

[INDIRA JAIN, J.]

[T.V. NALAWADE, J.]

SSC/